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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

COTTONWOOD
ENVIRONMENTAL LAW
CENTER,

Plaintiff,

v.

CH SP ACQUISITION LLC d/b/a
SPANISH PEAKS MOUNTAIN
CLUB; LONE MOUNTAIN LAND
COMPANY,

Defendants.

2:23-cv-00028-BMM

**PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Plaintiff Cottonwood Environmental Law Center (“Cottonwood”) respectfully moves for preliminary injunctive relief to prevent Defendants Spanish Peaks Mountain Club and Lone Mountain Land Company (collectively “Spanish Peaks” or “Defendants”) from continuously discharging pollution in violation the Clean Water Act (“CWA”). Specifically, Cottonwood requests that the Court enjoin Defendants from: 1) spraying treated wastewater from their industrial snow guns, and 2) connecting any sewer within Spanish Peaks Mountain Resort to the Big Sky Water and Sewer District until the September 2024 trial. Enjoining new sewer connections is necessary because Spanish Peaks is not able to lawfully dispose of the treated sewage it is producing.

Spanish Peaks has acknowledged that it is polluting the West Fork by placing signs that warn the public not to drink the treated sewage where it is spraying. Cottonwood has collected water samples that show the spraying is causing nitrogen to pollute the West Fork of the Gallatin River. Patricia “Pat” Glibert, a researcher with a Ph.D in organismal biology from Harvard University that works at the University of Maryland’s Center for Environmental Science, interpreted isotopic analysis of the algae samples and concluded that Spanish Peaks’ spraying of its treated sewage is causing algae blooms in the Gallatin and its tributaries that are harming trout and aquatic insect populations.

The public interest and balance of harms tip in favor of enjoining Spanish Peaks from continuing to spray treated sewage into the West Fork of the Gallatin River and connecting any sewer within Spanish Peaks Mountain Resort to the Big Sky Water and Sewer District. Spanish Peaks' discharge of unpermitted nitrogen pollution into the water quality impaired river is causing irreparable harm to the river's ecosystem, while Spanish Peaks has the resources to export its sewage to alternative sites.

Defendants were contacted and oppose this motion.

Respectfully submitted this 1st day of December, 2023.

/s/ John Meyer
JOHN MEYER

Attorney for Plaintiffs